

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 23-CR-187

RANDY S. WILHELM, JR.,

Defendant.

ORDER

On March 4, 2024, the court held a detention hearing and found detention was warranted. The defendant having failed to introduce sufficient evidence to rebut the presumption of detention under 18 U.S.C. § 3142(e)(3).

On March 26, 2024, the defendant filed a motion to reinstate the bond set by Magistrate Judge Nancy Joseph on November 3, 2023, allowing release with location monitoring and a condition the defendant not use drugs.

The Defendant is subject to the maximum penalties of incarceration for Count 1: 10 years to Life; Count 5: 5 to 40 years; Count 6: 5 years to Life which is consecutive to any other sentence; and Count 7: 15 years.

At the detention hearing on March 4, 2024, the Court was provided an update regarding the Defendant's compliance with his conditions of release. During a search of the Defendant's residence on March 4, 2024, several firearms were located, as well as drug paraphernalia and 3.84 grams of suspected methamphetamine.

In the present motion the Defendant advises the Court that as of March 20, 2024, Defendant is accepted into CORE Residential Treatment Program and requests to be released to reside at the inpatient program.

The Court finds that the availability of the inpatient treatment program is insufficient to rebut the presumption of detention in this case. The Defendant poses a risk of non-appearance as he could walk away from the center and cease participation in the program. As noted in the update of March 4, 2024, Bond Revocation Hearing, Defendant was previously unwilling to participate in the inpatient treatment program.

On June 21, 2023, the Defendant was subject to a traffic stop and a search of the vehicle revealed drug paraphernalia. Police located 3.70 grams of methamphetamine and \$1,200.00. An Act 79 search of his residence found a loaded .22 caliber Ruger pistol. In total, police located 3.88 grams of psilocybin, 2.5 doses of suboxone, 43.70 grams of fentanyl, and 19.48 grams of methamphetamine at the residence. These searches demonstrate clearly that Defendant is a danger to the public. The very severe periods of incarceration also pose a risk of non-appearance in light of the Defendant's failure to abide by the conditions of release previously set by the Court.

It is for the above reasons, that the Court DENIES the Defendant's Motion for release. The court concludes from the evidence presented and review of the probation report that no condition or combination of conditions will assure the defendant's appearance or the safety of the community if the defendant were to be released. Therefore, detention is warranted, and the defendant will be detained.

Dated on April 2, 2024.

s/ James R. Sickel

James R. Sickel, Magistrate Judge
United States District Court